

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6) and 455A.13, the Natural Resource Commission (Commission) hereby amends Chapter 71, "Nursery Stock Sale to the Public," Iowa Administrative Code.

Chapter 71 regulates the sale of tree and shrub seedlings from the Iowa Department of Natural Resources (Department) State Forest Nursery pursuant to the authority of Iowa Code sections 455A.5(6) and 455A.13 by setting prices for seedlings and specialty packets. Chapter 71 also describes stock to be sold, sets order limitations, and describes customer obligations. This amendment affects the price of seedlings and specialty packets. This amendment also removes the price for black walnut seed because it is no longer sold from the Nursery. All rule changes were vetted with stakeholders in the rules preclearance process.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 2016, as **ARC 2558C**. Public hearings were held on June 28, 2016, June 29, 2016, and June 30, 2016. The Department also accepted written comments through June 30, 2016. Eight comments were received during these hearings, in addition to 50 comments received via e-mail. Of the comments germane to the rule, 80 percent were favorable and 20 percent were unfavorable. Common themes of the favorable comments included support of the price increases, strong support for keeping the State Forest Nursery operational, and suggestions to make trees and shrubs available in smaller quantities. Commenters opposed felt that the prices should be lower or remain the same.

This amendment is identical to that published under Notice of Intended Action.

The Commission adopted this amendment on August 11, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 455A.13, 456A.17, 456A.20 and 456A.21.

This amendment shall become effective October 5, 2016.

The following amendment is adopted.

Amend rule 571—71.3(456A,461A) as follows:

571—71.3(456A,461A) Nursery stock prices.

71.3(1) Prices for hardwoods shall be as follows:

- a. Aspen, oak, hickory, walnut, pecan and basswood, 6" to 16"—~~\$40~~ \$65 per hundred plants.
- b. Aspen, oak, hickory, walnut, pecan and basswood, 17" and larger—~~\$55~~ \$90 per hundred plants.
- c. Other hardwood tree species, 6" to 16"—~~\$37~~ \$65 per hundred plants.
- d. Other hardwood tree species, 17" and larger—~~\$52~~ \$90 per hundred plants.

71.3(2) Prices for shrubs shall be as follows:

- a. Elderberry, buttonbush, dogwood, and Nanking cherry, 6" to 16"—~~\$37~~ \$65 per hundred plants.
- b. Elderberry, buttonbush, dogwood, and Nanking cherry, 17" and larger—~~\$52~~ \$90 per hundred plants.
- c. Other shrub species, 6" to 16"—~~\$40~~ \$70 per hundred plants.
- d. Other shrub species, 17" and larger—~~\$55~~ \$90 per hundred plants.

71.3(3) Prices for conifers shall be as follows:

- a. Conifers, 6" to 16"—~~\$25~~ \$50 per hundred plants.
- b. Conifers, 17" and larger—~~\$40~~ \$80 per hundred plants.

71.3(4) Prices for wildlife packets shall be ~~\$110~~ \$190 each.

71.3(5) Prices for songbird packets shall be ~~\$25~~ \$45 each.

71.3(6) Prices for walnut seed shall be ~~\$3~~ per pound.

~~71.3(7)~~ **71.3(6)** For promotion of conservation plantings, nursery stock may be provided to schools and conservation and education groups to use for Arbor Day and other special events.

[Filed 8/12/16, effective 10/5/16]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/16.